

Testimony from Cannabis Patients United  
3/1/2012

HB 4834

- Regarding the photograph on the card: We are neutral on this issue with minor revision to that portion of the bill (adding the word "caregiver" in the two spots shown on page two line 22 and 24).
- Regarding law enforcement access to the registry: We oppose the language proposed. We request language that we have provided be considered. We request a warrant be required and the standard being used is "probable cause" not "reasonable suspicion". (most of our revisions are to pages five and six)
- We are neutral on contracting issuance of the identification card to a private contractor.

HB 4851

- We oppose a definition of "bona fide" doctor-patient relationship that is not uniformly applied to all practice areas and, thus, oppose its inclusion in the MMMA instead of in the Public Health Code.
- On page two line four, we ask the words "Examination, and Treatment" be removed. The doctor is not able to perform treatment with marihuana. The doctor is merely recommending they may receive palliative benefits from medical marihuana.
- Amend Rep Cavanagh's amendment of 2/23/2012 with our enclosed words.
- Remove the words "stationary, and" from page three line 1. This conflicts with 4856 in regard to transporting marihuana plants or seedlings or clones since the requirement of stationary means a person would be in violation of 4851 for not being stationary while transporting plants.
- Amend the bill by adding language to page three line 23, by adding a sunset of 10 years for a felon to regain rights as a caregiver.
- Remove the words "and psychological" from page 4 lines 14 and 15. Since there are no qualifying conditions to date that allow use of medical marihuana for depression or PTSD for example, this requirement is unnecessary and creates undue burdens for patients.
- We request an amendment that the in person evaluation requirement be restricted to the initial evaluation, and renewals can and should be done in 'real time' to allow for Skype, especially in rural areas. We need some flexibility to deal with patients in remote areas of the state where local certification centers are not readily available.

HB 4856

- There was confusion at the hearing on 2/23/2012 regarding this bill being unclear as to whether it applies to plants and / or usable marihuana. We propose language changes to page two lines 2 and 3, that make clear this bill is in regard to "usable" marihuana. With language changes to clarify this bill, we would be neutral.

Cannabis Patients United  
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Red language in the bills are the ones we propose be eliminated

Blue language in the bills are the new words we propose

# HOUSE BILL No. 4834

June 29, 2011, Introduced by Reps. Haines, Haveman, McBroom, Franz, Horn, Jacobsen, MacGregor, Knollenberg, Bumstead, Wayne Schmidt, Gardon, Opsommer, MacMaster, Moss, Huuki, Crawford, Kowall, Liss, Heise, Cotter and Tyler and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
by amending section 6 (MCL 333.26426).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 6. Administering the Department's Rules.

Sec. 6. (a) The department shall issue registry identification cards to qualifying patients who submit the following, in accordance with the department's rules:

- (1) A written certification;
- (2) Application or renewal fee;
- (3) Name, address, and date of birth of the qualifying patient, except that if the applicant is homeless, no address is required;
- (4) Name, address, and telephone number of the qualifying patient's physician;
- (5) Name, address, and date of birth of the qualifying patient's primary caregiver, if any; and
- (6) If the qualifying patient designates a primary caregiver, a designation as to whether the qualifying patient or primary caregiver will be allowed under state law to possess marihuana plants for the qualifying patient's medical use.

**(7) TWO IDENTICAL, 2 INCH BY 2 INCH, COLOR PHOTOGRAPHS THAT SHOW THE APPLICANT'S CURRENT APPEARANCE, HAVE BEEN TAKEN WITHIN THE IMMEDIATELY PRECEDING 6 MONTHS, AND MEET ALL OF THE FOLLOWING SPECIFICATIONS:**

**(A) THE PICTURE IS A FULL FACE, FRONT VIEW AGAINST A PLAIN, WHITE OR OFF-WHITE BACKGROUND.**

**(B) THE APPLICANT'S HEAD MEASURES BETWEEN 1 INCH AND 1-3/8 INCHES FROM THE BOTTOM OF THE CHIN TO THE TOP OF THE HEAD.**

**(C) THE APPLICANT'S HAIR OR HAIRLINE IS NOT OBSCURED BY A HAT OR HEADGEAR.**

**(D) THE APPLICANT IS NOT WEARING DARK OR NONPRESCRIPTION GLASSES, UNLESS MEDICALLY NECESSARY.**

**(8) SUBDIVISION (7) DOES NOT APPLY IF THE QUALIFYING PATIENT OR CAREGIVER SUBMITS A WRITTEN WAIVER ALLOWING THE SECRETARY OF STATE TO ISSUE THE DEPARTMENT A COPY OF THE PHOTOGRAPH CONTAINED ON THE QUALIFYING PATIENT'S OR CAREGIVER'S DRIVER LICENSE OR STATE PERSONAL IDENTIFICATION CARD.**

(b) The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

(1) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marihuana to the qualifying patient and to his or her parent or legal guardian;

(2) The qualifying patient's parent or legal guardian submits a written certification from 2 physicians; and

(3) The qualifying patient's parent or legal guardian consents in writing to:

(A) Allow the qualifying patient's medical use of marihuana;

(B) Serve as the qualifying patient's primary caregiver; and

(C) Control the acquisition of the marihuana, the dosage, and the frequency of the medical use of marihuana by the qualifying patient.

(c) The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court for the county of Ingham.

(d) The department shall issue a registry identification card to the primary caregiver, if any, who is named in a qualifying patient's approved application; provided that each qualifying patient can have no more than 1 primary caregiver, and a primary caregiver may assist no more than 5 qualifying patients with their medical use of marihuana.

(e) The department shall issue registry identification cards within 5 days of approving an application or renewal, which shall expire ~~1-year~~ **2 YEARS** after the date of issuance. Registry identification cards shall contain all of the following:

(1) Name, address, and date of birth of the qualifying patient.

(2) Name, address, and date of birth of the primary caregiver if any, of the qualifying patient.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random identification number.

(5) A photograph, ~~if the department requires 1 by rule.~~ **AS DESCRIBED IN SUBDIVISION (A)(7) OR (8).**

(6) A clear designation showing whether the primary caregiver or the qualifying patient will be allowed under state law to possess the marihuana plants for the qualifying patient's medical use, which shall be determined based solely on the qualifying patient's preference.

(f) If a registered qualifying patient's certifying physician notifies the department in writing that the patient has ceased to suffer from a debilitating medical condition, the card shall become null and void upon notification by the department to the patient.

(g) ~~Possession~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS ACT,** **POSSESSION** of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any local, county or state governmental agency.

(h) The following confidentiality rules shall apply:

(1) ~~Applications~~ **SUBJECT TO SUBDIVISIONS (3) AND (4),**

**APPLICATIONS** and supporting information submitted by qualifying patients, including information regarding their primary caregivers and physicians, are confidential.

(2) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. ~~Individual~~ **EXCEPT AS PROVIDED IN SUBDIVISIONS (3) AND (4),** **INDIVIDUAL** names and other identifying information on the list is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

~~(3) The department shall verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.~~

**(3) THE DEPARTMENT SHALL NOT ALLOW ANY PERSON ACCESS TO ANY INFORMATION ABOUT PATIENTS IN THE DEPARTMENT'S CONFIDENTIAL LIST OF PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS OR FROM WHOM THE DEPARTMENT HAS RECEIVED AN APPLICATION OR TO INFORMATION OTHERWISE MAINTAINED BY THE DEPARTMENT CONCERNING PHYSICIANS WHO PROVIDE WRITTEN CERTIFICATION AND PRIMARY CAREGIVERS, EXCEPT FOR THE FOLLOWING:**

**(A) AUTHORIZED EMPLOYEES OF THE DEPARTMENT OR OF A SUBCONTRACTOR UNDER SUBSECTION (J) IN THE COURSE OF THEIR OFFICIAL DUTIES.**

**(B) STATE OR LOCAL LAW ENFORCEMENT OFFICERS OR OFFICIALS, BUT ONLY IF EITHER OF THE FOLLOWING APPLIES:**

**(i) THE OFFICER OR OFFICIAL PROVIDES A REGISTRY IDENTIFICATION NUMBER AND THE OFFICER OR OFFICIAL IS ACTING IN THE COURSE OF HIS OR HER OFFICIAL DUTIES.**

**(ii) THE OFFICER OR OFFICIAL AFTER FIRST OBTAINING A SEARCH WARRANT FROM A COURT OF COMPETENT JURISDICTION DEMONSTRATING A NEED TO OBTAIN SUCH CONFIDENTIAL INFORMATION MAY PROVIDE A NAME AND DATE OF BIRTH OR ADDRESS FOR AN INDIVIDUAL AND DISCLOSURE BY THE DEPARTMENT IS NEEDED EITHER TO CONFIRM OR REFUTE THE OFFICER'S OR OFFICIAL'S ~~REASONABLE SUSPICION~~ PROBABLE CAUSE THAT A VIOLATION OF THIS ACT WAS COMMITTED BY THAT INDIVIDUAL OR AT THAT ADDRESS.**

(4) A person, including an employee, **CONTRACTOR** or official of the department or another state agency or local unit of government, who discloses confidential information in violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, or a fine of not more than \$1, 000.00, or both. Notwithstanding this provision, department employees may notify law enforcement about falsified or fraudulent information submitted to the department.

(i) The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, primary caregivers, or physicians, but does contain, at a minimum, all of the following information:

(1) The number of applications filed for registry identification cards.

(2) The number of qualifying patients and primary caregivers approved in each county.

(3) The nature of the debilitating medical conditions of the qualifying patients.

(4) The number of registry identification cards revoked.

(5) The number of physicians providing written certifications for qualifying patients.

**(J) THE DEPARTMENT SHALL ENTER INTO A CONTRACT WITH A PRIVATE CONTRACTOR TO ASSIST THE DEPARTMENT IN PERFORMING ITS DUTIES UNDER THIS SECTION. THE CONTRACT MAY PROVIDE FOR ASSISTANCE IN PROCESSING AND ISSUING REGISTRY IDENTIFICATION CARDS, BUT THE DEPARTMENT SHALL RETAIN THE AUTHORITY TO MAKE THE FINAL DETERMINATION AS TO ISSUING THE REGISTRY IDENTIFICATION CARD. THE CONTRACT SHALL INCLUDE A PROVISION REQUIRING THE CONTRACTOR TO PRESERVE THE CONFIDENTIALITY OF INFORMATION IN CONFORMITY WITH SUBSECTION (H).**

# HOUSE BILL No. 4851

June 30, 2011, Introduced by Reps. Cavanagh, Constan, Walsh, Hobbs, Liss, Durhal, Horn, Smiley, Rendon, Hovey-Wright, Haveman, Glardon, Lipton, Bauer, Bledsoe, Outman, Goike, Cotter, Heise, Price, Callton, Agema, Tyler, Knollenberg, Daley, Lyons, Meadows, Kurtz and Jacobsen and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
by amending section 3 (MCL 333.26423).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## 3. Definitions.

Sec. 3. As used in this act:

**(A) "BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP" MEANS A TREATMENT OR COUNSELING RELATIONSHIP BETWEEN A PHYSICIAN AND PATIENT TO WHICH ALL OF THE FOLLOWING APPLY:**

**(1) THE PHYSICIAN HAS REVIEWED THE PATIENT'S RELEVANT MEDICAL RECORDS AND COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL AND PSYCHOLOGICAL CONDITION, INCLUDING A RELEVANT, IN PERSON, PHYSICAL EXAMINATION OF THE PATIENT.**

**(2) THE PHYSICIAN HAS CREATED OR MAINTAINED RECORDS OF THE PATIENT'S CONDITION IN ACCORD WITH MEDICALLY ACCEPTED STANDARDS.**

**(3) THE PHYSICIAN HAS A REASONABLE EXPECTATION THAT HE OR SHE WILL PROVIDE FOLLOW-UP CARE, ~~EXAMINATION, AND TREATMENT~~ TO THE PATIENT TO MONITOR THE EFFICACY OF THE USE OF MEDICAL MARIHUANA AS A TREATMENT OF THE PATIENT'S DEBILITATING MEDICAL CONDITION.**

**(4) IF THE PATIENT HAS GIVEN PERMISSION, THE PHYSICIAN HAS NOTIFIED THE PATIENT'S PRIMARY CARE PHYSICIAN OF THE PATIENT'S DEBILITATING MEDICAL CONDITION AND CERTIFICATION FOR THE USE OF MEDICAL MARIHUANA TO TREAT THAT CONDITION.**

**(5) IF A PERSON PRESENTS PRIMA FACIE EVIDENCE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP UNDER THIS ACT, ~~THE ISSUE OF WHETHER THE AFFIRMATIVE DEFENSE UNDER SECTION 8~~ THAT PERSON SHALL BE ALLOWED TO PRESENT A MEDICAL MARIHUANA DEFENSE ~~APPLIES IS A QUESTION TO BE DETERMINED BY~~ TO THE TRIER OF FACT.**



(B) ~~(a)~~-"Debilitating medical condition" means 1 or more of the following:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions.

(2) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.

(3) Any other medical condition or its treatment approved by the department, as provided for in section 5(a).

(C) ~~(b)~~-"Department" means the state department of community health.

(D) ~~(e)~~-"Enclosed, locked facility" means a closet, room, or other **COMPARABLE, STATIONARY, AND FULLY**-enclosed area equipped with **SECURED** locks or other **FUNCTIONING** security devices that permit access only by a registered primary caregiver or registered qualifying patient.

(E) ~~(d)~~-"Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(F) ~~(e)~~-"Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(G) ~~(F)~~ "Physician" means an individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.

(H) ~~(G)~~ "Primary caregiver" OR "CAREGIVER" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs OR A VIOLENT FELONY AS DEFINED IN SECTION 36 OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.236. IF A PERSON HAS SUCCESSFULLY COMPLETED THE OBLIGATIONS AND PENALTIES INVOLVED WITH THEIR DISQUALIFYING FELONY CONVICTION(S), INCLUDING INCARCERATION, PAROLE OR PROBATION; AND IF A PERIOD OF 10 YEARS HAS ELAPSED SINCE THE COMPLETION OF THOSE OBLIGATIONS AND PENALTIES; THAT PERSON SHALL QUALIFY AS A CAREGIVER UNDER THIS ACT.

(I) ~~(H)~~ "Qualifying patient" OR "PATIENT" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(J) ~~(I)~~ "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

(K) ~~(J)~~ "Usable marihuana" means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(L) ~~(K)~~ "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.

(M) ~~(L)~~ "Written certification" means a document signed by a physician, stating ~~the~~ ALL OF THE FOLLOWING:

(1) THE patient's debilitating medical condition. ~~and stating-~~

~~that, in~~

**(2) THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL ~~AND PSYCHOLOGICAL~~ HISTORY AND CURRENT MEDICAL AND PSYCHOLOGICAL CONDITION, INCLUDING A RELEVANT, IN PERSON, PHYSICAL EXAMINATION.**

**(3) IN** the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

# HOUSE BILL No. 4856

June 30, 2011, Introduced by Reps. Glardon, Haveman, Agema, Daley, Opsommer, Zorn, Rendon, Kurtz, Johnson, Ouimet, Roy Schmidt, Haines, Jenkins, Geiss, Lori, Yonker, Horn, Heise, Tyler, Cavanagh, Olson, Outman, Goike, Cotter, Price, Bledsoe, Callton, Knollenberg, Lyons and Jacobsen and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328 entitled

“The Michigan penal code,”

(MCL 750.1 to 750.568) by adding section 474.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

**SEC. 474. A PERSON SHALL NOT TRANSPORT OR POSSESS MEDICAL MARIHUANA IN OR UPON A MOTOR VEHICLE OR ANY SELF-PROPELLED VEHICLE DESIGNED FOR LAND TRAVEL UNLESS THE MEDICAL MARIHUANA IS 1 OR MORE OF THE FOLLOWING:**

**(A) ENCLOSED IN A CASE.**

**(B) CARRIED IN THE TRUNK OF THE VEHICLE.**

**(C) INACCESSIBLE FROM THE INTERIOR OF THE VEHICLE.**

**(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.**

**(3) AS USED IN THIS SECTION, "MEDICAL MARIHUANA" MEANS "USABLE MARIHUANA" AS DEFINED BY SECTION 3(j) OF ~~REGULATED UNDER~~ THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL ~~333.26421 TO 333.26430~~ 333.26423(j).**



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## CANNABIS PATIENTS UNITED

"Committed to ensure  
the fair application of  
the Michigan Medical  
Marihuana Act"



## OUR CORE PRINCIPLES

1. CPU believes the law as passed by the voters is satisfactory and we do not support any effort to amend or change it in any way: We oppose any attempt to reopen the MMMA for any reason.
2. The community needs to be able to defend itself in case a serious enemy of the medical marijuana community attempts to play politics with the language and intent of the MMMA. Such an individual could make life very difficult for patients, caregivers, physicians and legitimate businesspersons who are providing services to the medical marijuana community. For instance, they have the power to influence regulatory agencies such as the Michigan Department of Community Health to act in ways that could be very damaging to patients and caregivers alike.
3. On an immediate day-to-day level, CPU is the eyes and ears of the community, maintaining constant vigilance for any threats that emerge from misguided state legislators, interest groups or regulatory authorities that could be hostile to the MMMA.
4. CPU is officially neutral on the issue of "dispensaries." These entities are not mentioned in the MMMA one way or another. Michigan's current policy is set by the Attorney General and leaves this issue to the discretion of local community authorities. CPU believes this to be reasonable.

## Cannabis Patients United

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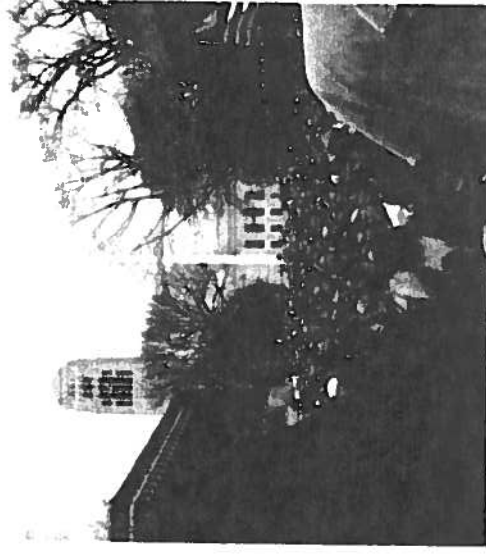
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# Cannabis Patients United

Cannabis Patients United (CPU) is an organization of members and member-organizations. We are comprised of patients, caregivers, attorneys, physicians, compassion clubs, compassion centers and political activists. We are committed to ensure the fair application of the Michigan Medical Marihuana Act (MMMA). We believe that the MMMA should be applied for its original purpose when it was overwhelmingly approved by Michigan voters in 2008: protecting patients and their caregivers who need marijuana as a medicinal alternative. CPU members are committed to advancing the law by investing our time and resources.

CPU dues are used to retain the services of a professional public policy advocate in Lansing. Dues in excess of what are needed to pay for advocacy services are used to protect the interests of the medical cannabis community as determined by our membership.

## A CODE OF ETHICS AND STANDARDS OF CARE

CPU is deeply committed to nurturing a community standard of professionalism, emphasizing honest business practices, fair play and respect for the law. CPU represents patients and other affiliated businesses that agree to the following principles:

### Professional Code of Conduct

Cannabis Patients United is committed to caregiver conduct, ethics, environmental and security protections that reflect respect for the patients and the communities in which we live and work. We represent caregivers and other associated business entities who understand and agree to these expectations and accept the scope of services, standards of practice and code of ethics as set forth.

### Standards of Practice

Caregivers and other affiliated businesses will make every effort to comply with the Michigan Medical Marihuana Act.

### Scope of Service

Caregivers may assist patients in finding the most effective strains and forms of medical marijuana products. Caregivers and other affiliated businesses will charge a fair market value for their services to their clients. Caregivers who are able may provide transportation of medical marijuana for patients, if requested. Caregivers will make every effort to provide a consistent supply of medical marijuana.

### Caregiver Code of Conduct

Caregivers should develop an expertise in cultivation. Caregivers should develop trusted relationships with their patients. Care will be given to cultivation and product storage quality control. Caregivers will protect patient confidentiality and privacy.

### A Code of Ethics for All

Discrimination, corruption, exploitation or extortion will not be tolerated. We agree to have honest and open communication with patients, caregivers, clients, vendors, and other professionals. We agree to protect the integrity of the medication during cultivation and processing and transfer.